

Message Text

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ORIGIN ACDA-19

INFO OCT-01 ARA-16 IO-13 ADP-00 AEC-11 AF-10 CIAE-00

DODE-00 EA-11 EUR-25 PM-07 H-03 INR-10 L-03 NASA-04

NEA-10 NSAE-00 NSC-10 OIC-04 PA-03 PRS-01 RSC-01

SCI-06 SS-15 MBFR-03 USIA-15 SAJ-01 /202 R

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APPROVED BY: ACDA/IR:CVANDOREN

ARA/MEX:CPTORREY

L/ARA:TABOREK

ARA/PAN:RBHOWARD

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FM SECSTATE WASHDC

TO AMEMBASSY MEXICO PRIORITY

INFO USMISSION GENEVA PRIORITY

USMISSION USUN NEW YORK PRIORITY

AMEMBASSY PANAMA PRIORITY

C O N F I D E N T I A L STATE 164787

DISTO

E.O. 11652: GDS

TAGS: PARM

SUBJ: OPANAL: TREATMENT OF PANAMA CANAL ISSUE

REF: (A) MEXICO 5751; (B) MEXICO 5752; (C) STATE 164264

1. FOLLOWING IS ACDA MEMCON (SUBJECT TO CORRECTION) ON AUGUST 17 MEETING OF OPANAL DEPUTY SYG GONZALEZ DE LEON WITH REPRESENTATIVES OF STATE (ARA, L AND PM), DOD/ISA AND ACDA.

2. GONZALEZ DE LEON DESCRIBED PURPOSE OF HIS VISIT AS
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REPORTED REFEELS A AND B, INDICATING THAT HIS OBJECTIVE

WAS TO AVOID OPANAL'S GETTING IN THE MIDDLE OF A DISPUTE BETWEEN THE US AND PANAMA. HE SAID THAT HE WOULD HAVE TO REPORT ON THE RESULTS OF HIS VISIT TO AN OPANAL COUNCIL MEETING ON MONDAY, AUGUST 20. ON BASIS OF PRIOR INTER-DEPARTMENTAL CONSULTATIONS VAN DOREN (ACDA) INDICATED THAT HE WOULD BE PREPARED TO GIVE OPANAL A LETTER ALONG THE LINES OF REFTEL C, POINTING OUT THAT IT WAS THE FUNCTIONAL EQUIVALENT OF THE CERTIFICATION THAT PANAMA HAD GIVEN OPANAL UNDER ARTICLE 14 OF THE TREATY, AND WAS THE MOST THAT COULD REASONABLY BE ASKED OF US. GONZALEZ DE LEON APPEARED PLEASANTLY SURPRISED THAT WE WOULD BE ABLE TO BE THAT HELPFUL. HE ASKED, FOR BACKGROUND PURPOSES, ABOUT OUR LEGAL POSITION ON WHETHER THE CANAL ZONE HAD BEEN BROUGHT UNDER THE TREATY OF TLAHELCO BY PANAMA'S RATIFICATION. GANTZ (L/ARA) EXPLAINED THAT THE CANAL TREATY GAVE US ALL RIGHTS, AS IF WE WERE SOVEREIGN, OVER THE CANAL ZONE TO THE EXCLUSION OF PANAMA, AND THAT PANAMA DID NOT HAVE THE LEGAL ABILITY TO BRING THE CANAL ZONE UNDER THE TREATY BY ITS UNILATERAL ACTION. WE STATED THAT IF OUR LETTER WERE TO MAKE EXPLICIT REFERENCE TO THE CANAL ZONE IT WOULD HAVE TO INCLUDE A REAFFIRMATION OF THIS POSITION, WHICH WOULD LEAD TO THE CONFRONTATION THAT WE WERE BOTH SEEKING TO AVOID AT THE OPANAL MEETING. GONZALEZ DE LEON ASKED IF, REGARDLESS OF WHO HAD SOVEREIGN RIGHTS, THE CANAL ZONE WAS NOT PANAMANIAN TERRITORY. WE POINTED TO SECTION 3 OF THE TREATY OF TLAHELCO (WHICH DEFINES TERRITORY IN TERMS OF PLACES "OVER WHICH THE STATE EXERCISES SOVEREIGNTY") AS MAKING CLEAR THAT IT WAS NOT PANAMANIAN TERRITORY WITHIN THE MEANING OF THAT TREATY. IN THE COURSE OF THE DISCUSSION GONZALEZ DE LEON FREELY ADMITTED THAT HIS INQUIRY DID NOT RELATE TO OUR TRANSIT RIGHTS, WHICH WERE IN NO EVENT AFFECTED BY THE TREATY. THE MEETING ADJOURNED, WITH THE UNDERSTANDING THAT FINAL CLEARANCES WOULD BE SOUGHT FOR THE PROPOSED LETTER WHICH HAD NOT BEEN SHOWN TO GONZALEZ DE LEON AND THAT WE WOULD ENDEAVOR TO ADVISE HIM BY THE END OF THE DAY, FOLLOWING SUCH CLEARANCES, OF THE PROPOSED TEXT. VAN DOREN SUBSEQUENTLY DID SO. ROGERS

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